

REMARKS

Claims 9-13, 15-28, 30, and 31 are pending in this application. In the Office Action,¹ the Examiner rejected claims 9-12, 15-18, 27, and 28 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,289,314 to Matsuzaki et al. ("Matsuzaki"); rejected claim 13 under 35 U.S.C. § 103(a) as being unpatentable over Matsuzaki; rejected claims 19-24, 30, and 31 under 35 U.S.C. § 103(a) as being unpatentable over Matsuzaki in view of U.S. Patent No. 5,671,412 to Christiano ("Christiano"); and rejected claims 25 and 26 under 35 U.S.C. § 103(a) as being unpatentable over Matsuzaki in view of Christiano, and further in view of U.S. Patent No. 6,502,124 to Shimakawa et al. ("Shimakawa"). Applicant respectfully traverses all the rejections for the reasons set forth below.

Applicant respectfully traverses the rejection of claims 9-12, 15-18, 27, and 28 under 35 U.S.C. § 102(e) as being anticipated by Matsuzaki because Matsuzaki fails to disclose each and every element of Applicant's claims.

Independent claim 9 recites an information processing apparatus including, for example, "storage means for storing a usage control status." The Examiner argued that Matsuzaki teaches the storage means of claim 9 in Fig. 3, ref. num. 252, which refers to a "terminal info storing portion." See Office Action, p. 3. Applicant respectfully disagrees and submits that the "terminal info storing portion" of Matsuzaki is not a

¹ The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Office Action.

teaching or a suggestion of "storage means for storing a usage control status," as recited in claim 9.

In Matsuzaki, "the terminal information storing portion 252 ... stores the terminal information ... of the terminal 3, ... [and] can also store user information ... of a user who operates the terminal 3" (Matsuzaki, col. 23, lines 25-29). For example, "the terminal information storing portion 252 stores the terminal information (the installation place, the screen size), the terminal encryption key and the coefficient of basic charge" (Matsuzaki, col. 15, lines 39-42). "Examples of the attributes of the user are the user's age, sex, occupation or the like" (Matsuzaki, col. 23, lines 46-47). However, the terminal information storing portion of Matsuzaki does not store "a usage control status," as claimed in the present application.

Claim 9 further recites a registration area storing "Usage Details." Matsuzaki, however, is silent with respect to "Usage Details," and accordingly, Matsuzaki fails to teach or suggest the storage means of claim 9.

Claim 9 recites "judgment means for judging whether transfer of said contents is possible in accordance with said usage control status." The Examiner argued that Matsuzaki teaches this judgment means of claim 9 in col. 15, lines 20-38. See Office Action, p. 3. Applicant respectfully disagrees. Applicant submits that the cited portion of Matsuzaki describes a sequence of steps, but is silent with respect to any sort of a condition of possibility or a condition requiring judgment. Therefore, Matsuzaki does not teach or suggest "judging whether transfer of said content is possible," as recited in claim 9.

While the Examiner may advance the “qualification judging portion” of Matsuzaki, the qualification judging portion of Matsuzaki cannot be a teaching of “judgment means for judging whether transfer of said content is possible in accordance with said usage control status,” as recited in claim 9, at least because Matsuzaki fails to disclose the claimed “usage control status.”

For at least the aforementioned reasons, Matsuzaki fails to teach or suggest each and every element of claim 9. Accordingly, Matsuzaki cannot anticipate claim 9, and the rejection of claim 9 under 35 U.S.C. § 102(e) should be withdrawn.

Furthermore, independent claims 11, 17, 27, and 28, although different in scope, include recitations similar to those discussed above in independent claim 9. Therefore, for at least reasons similar to those given above with respect to claim 9, independent claims 11, 17, 27, and 28 are also not anticipated by Matsuzaki. In addition, Applicants submit that dependent claims 10, 12, 15, 16, and 18 are also not anticipated by Matsuzaki at least by virtue of their dependence from allowable independent claims 11 or 17. Therefore, the rejection of claims 9-12, 15-18, 27, and 28 under 35 U.S.C. § 102(e) as anticipated by Matsuzaki should be withdrawn.

The remaining rejections in the Office Action (rejection of claim 13 under 35 U.S.C. § 103(a) as being unpatentable over Matsuzaki; rejection of claims 19-24, 30, and 31 under 35 U.S.C. § 103(a) as being unpatentable over Matsuzaki in view of Christiano; and rejection of claims 25 and 26 under 35 U.S.C. § 103(a) as being unpatentable over Matsuzaki in view of Christiano, and further in view of Shimakawa) all depend on Matsuzaki, and should be withdrawn in view of the above discussion. Matsuzaki fails to teach or suggest “storage means for storing a usage control status;

and judgment means for judging whether transfer of said contents is possible in accordance with said usage control status," as recited or similarly recited in independent claims 9, 11, 17, 19, 21, 24, 25, 27, 28, 30, and 31, and required by dependent claims 10, 12, 13, 15, 16, 18, 20, and 25.


In view of the foregoing remarks, Applicant respectfully requests reconsideration of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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